

**PE BIOSYSTEMS**  
A PE Corporation Business  
850 Lincoln Centre Drive  
Foster City, CA 94404-1128

#13

## FAX TRANSMITTAL

**Date:** August 8, 2001

**To:** Firmin Backer  
Examiner  
Group Art Unit 2155

**Company:** Patent and Trademark Office

**Fax No.:** 703-305-3718

**Telephone No.:** 703-308-0624

**From:** Cheri Gomez for Harry G. Thibault  
Legal Department  
**Fax No.:** 650-638-6677  
**Telephone No.:** 650-638-5039

**Subject:** U.S. Patent Application No.: 09/075,392  
**Filing Date:** May 8, 1998  
**Title:** Improvements in Thermal Cycler for PCR

**Case No.:** BT-4522/715-009180/4480C1

**No. of pages (including cover sheet):** 29

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**Message:**

**Attached please find our Request to Rescind Holding of Abandonment for Failure to Receive Office Action along with Exhibits 1 - 3.**

**If you have any questions, please direct your call to Harry Thibault at 650-638-6014. Thank you.**

---

**Note:** The information contained in this facsimile message may be attorney-client privileged and may contain confidential information intended only for the use of the individual named above, and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone (650) 638-6179 and return the original transmission to me by mail without making a copy. Thank you.

**RECEIVED**

SEP 10 2001

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

**OFFICIAL**

Case No. BT-4522/715-009180/4480C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atwood et al.

Serial No.: 09/075,392

Filed: May 8, 1998

For: IMPROVEMENTS IN THERMAL  
CYCLER FOR PCR

) Group Art Unit: 2155

) Examiner: Backer, F.

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office by facsimile transmission to facsimile telephone number 703-305-3718, Attn: Examiner Firmin Backer, on August 8, 2001.

Signature: \_\_\_\_\_

Name: Cheri Gomez

Date: August 8, 2001

**Request to Rescind Holding of Abandonment  
for Failure to Receive Office Action**

**OFFICIAL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. With reference to the Office Action allegedly mailed by the Patent Office on December 4, 2000, and the Notice of Abandonment mailed July 2, 2001, applicant respectfully requests that the abandonment be rescinded pursuant to the Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" published at 1156 Official Gazette 53 (Nov. 16, 1993) as discussed in MPEP 711.03(c) (Rev. 1, Feb. 2000).

2. Applicant submits that this request is appropriate in light of the following:

- (a) On September 27, 1999, applicant notified the Patent Office of a change of correspondence address to

Harry G. Thibault  
PE APPLIED BIOSYSTEMS DIVISION  
The Perkin-Elmer Corporation  
850 Lincoln Centre Drive  
Foster City, California 94404  
Telephone: 650.638.6014  
Facsimile: 650.638.6071

Copies of the address change and return receipt postcard date stamped 9/30/99 by the Patent Office are attached as Exhibit 1.

- (b) The Office action was not received by Applicant's attorneys. A search of the file jacket and docket records indicates that the action was never received.
- (c) Also enclosed as Exhibit 2 is a printout of a docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action. As can be seen, there is no entry for the nonreceived Office action.

3. Applicant respectfully requests that the Office action mailed December 4, 2000, be remailed with a new response date.

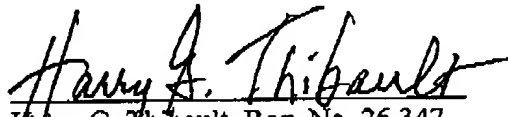
4. No fee is believed to be due for processing this Request. If otherwise, the Commissioner is hereby authorized to take such fee from Applied Biosystems Deposit Account No. 01-2213 (Order No. 4480C1).

5. As noted in the Request To Change Correspondence Address mailed June 19, 2001, a copy of which is attached as Exhibit 3, please send all future correspondence for this matter to:

David Aker  
Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06430

Respectfully submitted,

Date: 8/8/01

  
Harry G. Thibault, Reg. No. 26,347  
Attorney for Applicants

**CORRESPONDENCE ADDRESS**

David Aker  
Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06430  
Telephone: 203-259-1800  
Facsimile: 203-255-5170  
Customer No.: 2512

## **Exhibit 1**

Date Mailed: September 27, 1999

Case No.: 4480C1

Assistant Commissioner for Patents  
Washington, D.C. 20231

Applicants: Atwood et al.  
Serial No.: 09/075,392  
Filing Date: May 8, 1998

For: IMPROVEMENTS IN THERMAL CYCLER FOR PCR



Enclosed are the following:

1. Certificate Under 37 CFR 3.73(b) and Associate Power of Attorney (2 pages);
2. Copy of Recordation of Assignment Document (10 pages);
3. Change of Correspondence Address of Application (1 page);
4. Request to Change Attorney Docket Number (1 page);
5. Certificate of Mailing; and
6. Return Postcard.

Case No. BT-4522

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Arwood et al.

Serial No. 09/075,392

Filed: May 8, 1998

For: IMPROVEMENTS IN THERMAL  
CYCLER FOR PCR

) Art Unit: 2764

)

) Examiner: To Be Assigned

)

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on	
<u>September 27, 1999</u>	(Date of Deposit)
<u>Twana Sanders</u>	Name of Depositing Party
<u>[Signature]</u>	Signature of Depositing Party

CERTIFICATE UNDER 37 CFR 3.73(b)  
and  
ASSOCIATE POWER OF ATTORNEY

OFFICIAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified below. Attached hereto is a copy of the Notice of Recordation of Assignment Document and Assignment Document for this application.

The Perkin-Elmer Corporation, a New York Corporation, having its principal place of business at 761 Main Avenue, Norwalk, Connecticut, 06859, certifies that it is the assignee and owner of the entire right, title and interest in, to and under the invention described and claimed in the above-identified application, and hereby requests the Commissioner to recognize as Associate Attorney in this case:

Harry G. Thibault, Reg. No. 26,347

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please direct all communications relative to said pending patent application to:

Harry G. Thibault  
PE APPLIED BIOSYSTEMS DIVISION  
The Perkin-Elmer Corporation  
850 Lincoln Centre Drive  
Foster City, California 94404  
Telephone: 650.638.6014  
Facsimile: 650.638.6071

The Perkin-Elmer Corporation

Date: September 23, 1999

By: 

Joseph H. Smith  
Vice President



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OCTOBER 16, 1998

PTAS

THE PERKIN-ELMER CORP.  
DAVID AKER  
761 MAIN AVENUE  
M/S 199  
NORWALK, CT 06859



\*100782

RECEIVED

OCT 26 1998

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

PATENT LAW DEPT.

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/27/1998

REEL/FRAME: 9345/0899  
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
ATWOOD, JOHN G.

DOC DATE: 07/14/1998

ASSIGNOR:  
FAWCETT, ADRIAN

DOC DATE: 07/16/1998

ASSIGNOR:  
FERRARA, KEITH S.

DOC DATE: 07/09/1998

ASSIGNOR:  
HETHERINGTON, PAUL M.

DOC DATE: 07/10/1998

ASSIGNOR:  
NOREIKS, RICHARD W.

DOC DATE: 07/09/1998

ASSIGNOR:  
OLSEN, DOUGLAS E.

DOC DATE: 07/09/1998

ASSIGNOR:  
WIDOMSKI, JOHN R.

DOC DATE: 07/17/1998



9345/0899 PAGE 2

ASSIGNOR:

WITTMER, CHARLES M.

DOC DATE: 07/09/1998

ASSIGNEE:

PERKIN-ELMER CORPORATION, THE  
761 MAIN AVENUE  
M/S 199  
NORWALK, CONNECTICUT 06859-0199

SERIAL NUMBER: 09075392

PATENT NUMBER:

FILING DATE: 05/08/1998

ISSUE DATE:

LAWAN FLETCHER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

M2D 7-2798

07-31-1998

FORM 970-1283  
1-97-22

JET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Tab settings 000 ▼

100782285

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

John G. Atwood, Adrian Fawcett, Keith S. Ferrara, Paul M. Hetherington, Richard W. Noreiks, Douglas E. Olsen, John R. Widomski and Charles M. Wittmer  
Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Name: The Perkin-Elmer Corporation

Internal Address: M/S 199

Street Address: 761 Main Avenue

City: Norwalk State: CT ZIP: 06859-0199

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: 7/14, 7/16, 7/9, 7/10, 7/9, 7/9,

7/17, 7/9/98

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

09/075,392

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David Aker

Internal Address: M/S 199

Street Address: The Perkin-Elmer Corp.

761 Main Avenue

City: Norwalk State: CT ZIP: 06859

## 6. Total number of applications and patents involved: one

7. Total fee (37 CFR 3.41): \$ 40.00

☐ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number:

16-1335

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David Aker

Name of Person Signing  
Attorney for the Applicant  
Reg. No. 29,277

Signature

Date

Total number of pages comprising cover sheet

8

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

07/29/1998 DNGUYEN 00000150 161335 09075392

01 FC:561

40.00 CH

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

BT-4522

ASSIGNMENT

**WHEREAS**, We, John G. Atwood, Adrian Fawcett, Keith S. Ferrara, Paul M. Hetherington, Richard W. Noreiks, Douglas E. Olsen, John R. Widomski and Charles M. Wittmer, residing respectively at 149 Limekiln Rd., West Redding, CT 06896; 3606 W. Las Positas Boulevard, Pleasanton, CA 94588; 383 Woodstock Ave., Stratford, CT 06497; #103 - 10 Wild Oaks Rd., Goldens Bridge, NY 10526; 5300 Main Street, Stratford, CT 06614; 30 Lake Drive South RR3, New Fairfield, CT 06812; 10 Serene Drive, Shelton, CT 06484 and 15 Clarion Place, Trumbull, CT 06611 have invented certain new and useful improvements in **IMPROVEMENTS IN THERMAL CYCLER FOR PCR** for which We have executed an application for Letters Patent of the United States, concurrently herewith:

**AND WHEREAS** The Perkin-Elmer Corporation, a corporation of the State of New York, having a principal place of business at 761 Main Avenue, Norwalk, Connecticut 06859-0199, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:


**NOW, THEREFORE**, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledge, We, the said John G. Atwood, Adrian Fawcett, Keith S. Ferrara, Paul M. Hetherington, Richard W. Noreiks, Douglas E. Olsen, John R. Widomski and Charles M. Wittmer: have, sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said The Perkin-Elmer Corporation, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to

the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said The Perkin-Elmer Corporation, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that We have full right to convey the entire interest herein assigned, and that We have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that We will communicate to the said The Perkin-Elmer Corporation, its successors, legal representatives and assigns, any facts known to us respecting said improvement, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Corporation, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seal on the date indicated below.

  
\_\_\_\_\_  
John G. Atwood

July 14 1998  
Date

\_\_\_\_\_  
Witness

3

BT-4522

Adrian Fawcett

Date

Witness

Keith S. Ferrara

Date

Witness

Paul M. Hetherington

Date

Witness

Richard W. Noreiks

Date

Witness

Douglas E. Olsen

Date

Witness

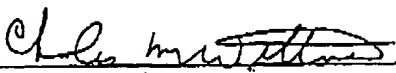
John R. Widomski

Date

Witness

4

BT-4522

  
Charles M. Wittmer

July 9, 1998  
Date

\_\_\_\_\_  
Witness

JUL 16 '98 10:33 FR P N ELMER

203 761 2888 TO

6507

P.07/10

BT-4522ASSIGNMENT

WHEREAS, We, John G. Atwood, Adrian Fawcett, Keith S. Ferrara, Paul M. Hetherington, Richard W. Noreiks, Douglas E. Olsen, John R. Widomski and Charles M. Wittmer, residing respectively at 149 Limekiln Rd., West Redding, CT 06896; 3606 W. Las Positas Boulevard, Pleasanton, CA 94588; 383 Woodstock Ave., Stratford, CT 06497; #103 - 10 Wild Oaks Rd., Goldens Bridge, NY 10526; 5300 Main Street, Stratford, CT 06614; 30 Lake Drive South RR3, New Fairfield, CT 06812; 10 Serene Drive, Shelton, CT 06484 and 15 Clarion Place, Trumbull, CT 06611 have invented certain new and useful improvements in IMPROVEMENTS IN THERMAL CYCLER FOR PCR for which We have executed an application for Letters Patent of the United States, concurrently herewith:

AND WHEREAS The Perkin-Elmer Corporation, a corporation of the State of New York, having a principal place of business at 761 Main Avenue, Norwalk, Connecticut 06859-0199, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledge, We, the said John G. Atwood, Adrian Fawcett, Keith S. Ferrara, Paul M. Hetherington, Richard W. Noreiks, Douglas E. Olsen, John R. Widomski and Charles M. Wittmer: have, sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said The Perkin-Elmer Corporation, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to

JUL 20 '98 12:11

650 638 6447

PAGE.07

JUL 16 '98 10:33 FR PM N ELMER

203 761 2888 TO F 507

P.08/10

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BT-4522

the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said The Perkin-Elmer Corporation, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that We have full right to convey the entire interest herein assigned, and that We have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that We will communicate to the said The Perkin-Elmer Corporation, its successors, legal representatives and assigns, any facts known to us respecting said improvement, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Corporation, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seal on the date indicated below.

  
John G. Atwood

July 14 1998  
Date

\_\_\_\_\_  
Witness



JUL 16 '98 10:34

IN ELPER

203 751 2888 TO 84225

P.09/10

3

BT-4522

Adrian Fawcett  
Adrian Fawcett

7/16/98  
Date

Witness  
Keith S. Ferrara  
Keith S. Ferrara

7-9-98  
Date

Witness  
Paul M. Hetherington  
Paul M. Hetherington

7/10/98  
Date

Witness  
Richard W. Norsiks  
Richard W. Norsiks

7/9/98  
Date

Witness  
Douglas E. Olsen  
Douglas E. Olsen

7/9/98  
Date

Witness  
John R. Widomski  
John R. Widomski

Date

Witness

PTO/SB/122 (11-96)

Approved for use through 6/30/99. OMB 0651-0035

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>CHANGE OF CORRESPONDENCE ADDRESS</b> <b>Application</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	<b>Complete if Known</b>	
	Application Number	09/075,392
	Filing Date	May 8, 1998
	First Named Inventor	John C. Atwood
	Examiner Name	To Be Assigned
	Group / Art Unit	2764
	Attorney Docket Number	BT-4522

Please change the Correspondence Address for the above-referenced application to:

☐ Customer Number  →

Place Customer Number Bar Code Label here

Type Customer Number here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	PE Applied Biosystems				
Address	850 Lincoln Centre Drive				
Address					
City	Foster City				
Country	USA	State	CA	Zip	94404
Telephone	650-638-6014		Fax	650-638-6071	

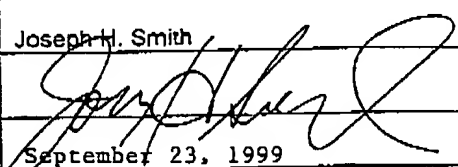
This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant.

☒ Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.

☐ Attorney or agent of record

Typed or Printed Name	Joseph H. Smith
Signature	
Date	September 23, 1999

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Case No. 4480C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atwood et al.

Serial No. 09/075,392

Filed: May 8, 1998

For: IMPROVEMENTS IN THERMAL  
CYCLER FOR PCR

) Art Unit: 2764

) Examiner: To Be Assigned

)

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CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on	
September 27, 1999	(Date of Deposit)
Juwana Gaudus	Name of Depositing Party
<i>[Signature]</i>	Signature of Depositing Party

REQUEST TO CHANGE ATTORNEY DOCKET NUMBERAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby request that the attorney Docket Number for the above-captioned application be changed as follows:

Old Case No.: BT-4522;New Case No.: 4480C1

If any fee for this change is required, the Commissioner is authorized to charge such fee to Deposit Account No. 01-2213 (Order No. 4480C1). A duplicate sheet is enclosed.

Date: September 27, 1999

Respectfully submitted,

*Harry G. Thibault*Harry G. Thibault  
Attorney for Applicant  
Reg. No. 26,347

PE APPLIED BIOSYSTEMS DIVISION  
The Perkin-Elmer Corporation  
850 Lincoln Centre Drive  
Foster City, CA 94404  
(650) 638-6014 (Phone)  
(650) 638-6071 (Fax)

## **Exhibit 2**

Actions Due		Clear	Copy	Search	Save	Print	Delete	Undo	Exit																																								
Case Number	4208	Country	EP	Sub Case																																													
Application #	359109224	Country	EP	Sub Case																																													
Filing Date	04-Feb-1995	Status	Published	Sub Case																																													
Action Type	EP Office action	Action Base Date	04-Oct-2000	Response Sent Date	20-Nov-2000																																												
<table border="1"> <thead> <tr> <th>#</th> <th>Action(s) Due</th> <th>Due Date</th> <th>Indicator</th> <th>Taken</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Month to respond to O.A.</td> <td>04-Jan-2001</td> <td>Reminder</td> <td>20-Nov-2000</td> </tr> <tr> <td></td> <td>Due date Respond O.A.</td> <td>04-Feb-2001</td> <td>Due Date</td> <td>20-Nov-2000</td> </tr> <tr> <td></td> <td>Follow up to office action</td> <td>20-Feb-2001</td> <td>Due Date</td> <td>08-Feb-2001</td> </tr> <tr> <td></td> <td>1st Ext. O.A.</td> <td>04-Mar-2001</td> <td>Due Date</td> <td>20-Nov-2000</td> </tr> <tr> <td></td> <td>2nd Ext. O.A. FINAL</td> <td>04-Apr-2001</td> <td>Final</td> <td>20-Nov-2000</td> </tr> </tbody> </table>										#	Action(s) Due	Due Date	Indicator	Taken	1	Month to respond to O.A.	04-Jan-2001	Reminder	20-Nov-2000		Due date Respond O.A.	04-Feb-2001	Due Date	20-Nov-2000		Follow up to office action	20-Feb-2001	Due Date	08-Feb-2001		1st Ext. O.A.	04-Mar-2001	Due Date	20-Nov-2000		2nd Ext. O.A. FINAL	04-Apr-2001	Final	20-Nov-2000										
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	1st Ext. O.A.	04-Mar-2001	Due Date	20-Nov-2000																																													
	2nd Ext. O.A. FINAL	04-Apr-2001	Final	20-Nov-2000																																													
User ID	4299	Date Created	16-Oct-2000	Last Update	20-Feb-2001																																												
Case Number	4299	Country	US	Sub Case	C1																																												
Application #	09465115	Country	United States of America	Sub Case																																													
Filing Date	01-Feb-2000	Status	Pending	Sub Case																																													
Action Type	US-3 Month Office Action	Action Base Date	04-Oct-2000	Response Sent Date	01-Feb-2001																																												
<table border="1"> <thead> <tr> <th>#</th> <th>Action(s) Due</th> <th>Due Date</th> <th>Indicator</th> <th>Taken</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>Month Due Date</td> <td>04-Dec-2000</td> <td>Reminder</td> <td>01-Feb-2001</td> </tr> <tr> <td>3</td> <td>Month Due Date</td> <td>04-Jan-2001</td> <td>Due Date</td> <td>01-Feb-2001</td> </tr> <tr> <td>4</td> <td>Month Due Date</td> <td>04-Feb-2001</td> <td>Reminder</td> <td>01-Feb-2001</td> </tr> <tr> <td>5</td> <td>Month Due Date</td> <td>04-Mar-2001</td> <td>Reminder</td> <td>01-Feb-2001</td> </tr> <tr> <td>2</td> <td>Weeks to Final Date</td> <td>18-Mar-2001</td> <td>Due Date</td> <td>01-Feb-2001</td> </tr> <tr> <td>6</td> <td>Month Final</td> <td>04-Apr-2001</td> <td>Final</td> <td>01-Feb-2001</td> </tr> <tr> <td></td> <td>US-3 Month O.A. follow up</td> <td>01-Jun-2001</td> <td>Due Date</td> <td>02-Jul-2001</td> </tr> </tbody> </table>										#	Action(s) Due	Due Date	Indicator	Taken	2	Month Due Date	04-Dec-2000	Reminder	01-Feb-2001	3	Month Due Date	04-Jan-2001	Due Date	01-Feb-2001	4	Month Due Date	04-Feb-2001	Reminder	01-Feb-2001	5	Month Due Date	04-Mar-2001	Reminder	01-Feb-2001	2	Weeks to Final Date	18-Mar-2001	Due Date	01-Feb-2001	6	Month Final	04-Apr-2001	Final	01-Feb-2001		US-3 Month O.A. follow up	01-Jun-2001	Due Date	02-Jul-2001
#	Action(s) Due	Due Date	Indicator	Taken																																													
2	Month Due Date	04-Dec-2000	Reminder	01-Feb-2001																																													
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6	Month Final	04-Apr-2001	Final	01-Feb-2001																																													
	US-3 Month O.A. follow up	01-Jun-2001	Due Date	02-Jul-2001																																													

User ID: pds	Date Created: 14-Dec-2000	Last Update: 03-Feb-2001
Case Number: PCTN:2	Country: WO	Sub Case:
Application #: 06-Nov-2000	Status: Pending	Patent Cooperation Treaty
Filing Date: Priority Document Due	Action Base Date: 04-Nov-1999	Response Start Date:
Action Type:	Due Date: 04-Mar-2001	Due Date: 01-Jan-1990
Priority Document Due	Indication:	Taken:

User ID: pds	Date Created: 01-Dec-2000	Last Update: 01-Dec-2000
Case Number: PCTN:2	Country: WO	Sub Case:
Application #: 06-Nov-2000	Status: Pending	Patent Cooperation Treaty
Filing Date:		

Action Type:	Record Copy Due	Action Base Date:	04-Nov-1989
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Record Copy Due	04-Mar-2001	Due Date:	01-Jan-1990
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User ID:	Date Created:	Last Update:	01-Dec-2000
PCTN-2	WO	Country:	Sub Case
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Filing Date:	06-Nov-2000		
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Search Copy Due	04-Mar-2001	Due Date:	01-Jan-1990
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Case Number:	Country:	Patent Cooperation Treaty:	
Application #:	Status:	Pending	
Filing Date:	06-Nov-2000		

Action Type:		Search Report Due (from WIPO)		Action Base Date:		04-Nov-1999	
				Response Sent Date:			

Action(s) Due		Due Date		Indicator		Taken	
Search Report Due (from WIPO)		04-Mar-2001				01-Jan-1990	

User ID:	005	Date Created:	01-Dec-2000	Last Update:	01-Dec-2000
Case Number:	4391	Country:	US	Sub Case:	D1
Application #	09/385230	United States of America			
Filing Date	27-Aug-1999	Status	Granted		
Action Type:	US-Allwance	Action Base Date:	04-Dec-2000	Response Sent Date:	21-Dec-2000

Action(s) Due		Due Date		Indicator		Taken	
Issue Fee Checklist Reminder		04-Jan-2001		Reminder		21-Dec-2000	
Fee Due In 2 Months		04-Jan-2001		Reminder		21-Dec-2000	
Fee Due In 1 Month		04-Feb-2001		Reminder		21-Dec-2000	
Issue Fee Due		04-Mar-2001		Final		21-Dec-2000	

User ID:	005	Date Created:	18-Dec-2000	Last Update:	27-Dec-2000
Case Number:	4391	Country:	US	Sub Case:	D1
Application #	09/385230	United States of America			
Filing Date	27-Aug-1999	Status	Granted		



Action Type: US-Allowability Formal Drawing		Action Base Date: 04-Dec-2000	
		Response Sent Date: 21-Dec-2000	

S	Action(s) Due	Due Date	Indicator	Taken
	Formal Drawings Due In 1 mo.	04-Feb-2001	Reminder	21-Dec-2000
	Formal Drawings Due	04-Mar-2001	Due Date	21-Dec-2000
	US-Allowability Follow Up Date	21-Jun-2001	Due Date	21-Dec-2000

User ID: 005	Date Created: 23-Dec-2000	Last Update: 29-Dec-2000
Case Number: 4273	Country: CA	Sub-Case:
Application #: 2219891	Country: Canada	
Filing Date: 05-Apr-1998	Status: Pending	
Action Type: Office Action	Action Base Date: 04-Dec-2000	
	Response Sent Date: 12-Mar-2001	

S	Action(s) Due	Due Date	Indicator	Taken
	Response Due - Reminder	04-Mar-2001	Reminder	12-Mar-2001
	CA-Office Action Response Due	04-Apr-2001	Due Date	12-Mar-2001
	Office Action Follow Up Date	12-Sep-2001	Due Date	04-Apr-2001

User ID: 005	Date Created: 16-Jan-2001	Last Update: 12-Mar-2001
Case Number: 4444	Country: US	Sub-Case:
Application #: 39311079	Country: United States of America	
Filing Date: 11-May-1999	Status: Pending	

Action Type: US-3 Month Office Action		Action Base Date: 04-Oct-2000	
		Response Sent Date: 23-Feb-2001	

#	Action(s) Due	Due Date	Indicator	Taken
2	Month Due Date	04-Dec-2000	Reminder	23-Feb-2001
3	Month Due Date	04-Jan-2001	Due Date	23-Feb-2001
4	Month Due Date	04-Feb-2001	Reminder	23-Feb-2001
5	Month Due Date	04-Mar-2001	Reminder	23-Feb-2001
2	Weeks to Final Date	18-Mar-2001	Due Date	23-Feb-2001
6	Month Final	04-Apr-2001	Final	23-Feb-2001
US-3	Month O.A. follow up	23-Jun-2001	Due Date	18-Jul-2001
Office	Action follow up	23-Jul-2001	Reminder	18-Jul-2001

Use ID: 001	Date Created: 05-Feb-2001	Last Update: 23-Jul-2001
Go To: Invention	Country Application	

## **Exhibit 3**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: Atwood et al.

SERIAL NO.: 09/075,392 ART UNIT: 2781

FILED: 05/08/98 EXAMINER: F. Backer

TITLE: IMPROVEMENTS IN THERMAL CYCLER FOR PCR

ATTORNEY DOCKET NO.: 715-009180-US (C01)

Assistant Commissioner for Patents  
Washington, DC 20231

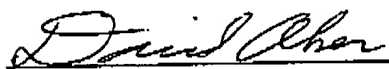
**REQUEST TO CHANGE CORRESPONDENCE ADDRESS**

Dear Sir:

This is a request to change the correspondence address for this application to:

David Aker  
Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06430

Respectfully submitted,

  
David Aker, Reg. No. 29,277

6/19/01  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06430  
Telephone: (203) 259-1800  
Facsimile: (203) 255-5170  
Customer No.: 2512

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3719) on the date noted below.

Cam Marshall  
Name of Person Making Deposit

6/19/01  
Date

**PE BIOSYSTEMS**  
A PE Corporation Business  
850 Lincoln Centre Drive  
Foster City, CA 94404-1128

## **FAX TRANSMITTAL**

**Date:** August 8, 2001

**To:** **Firmin Backer**  
**Examiner**  
**Group Art Unit 2155**

**Company:** Patent and Trademark Office

**Fax No.:** 703-305-3718

**Telephone No.:** 703-308-0624

**From:** **Cheri Gomez for Harry G. Thibault**  
**Legal Department**  
**Fax No.:** 650-638-6677  
**Telephone No.:** 650-638-5039

**Subject:** **U.S. Patent Application No.: 09/075,392**  
**Filing Date:** May 8, 1998  
**Title:** **Improvements in Thermal Cycler for PCR**

**Case No.:** BT-4522/715-009180/4480C1

**No. of pages (including cover sheet):** 2

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***Message:***

**Attached please find our signed certificate of facsimile transmission to replace the unsigned page. Thank you.**

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Case No. BT-4522/715-009180/4480C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Group Art Unit: 2155  
Arwood et al. ) Examiner: Backer, F.  
Serial No.: 09/075,392 )  
Filed: May 8, 1998 )  
For: IMPROVEMENTS IN THERMAL )  
CYCLER FOR PCR )

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office by facsimile transmission to facsimile telephone number 703-305-3718, Attn: Examiner Firmin Backer, on August 8, 2001.

Signature: Cheri Gomez  
Name: Cheri Gomez  
Date: August 8, 2001

**Request to Rescind Holding of Abandonment  
for Failure to Receive Office Action**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. With reference to the Office Action allegedly mailed by the Patent Office on December 4, 2000, and the Notice of Abandonment mailed July 2, 2001, applicant respectfully requests that the abandonment be rescinded pursuant to the Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" published at 1156 Official Gazette 53 (Nov. 16, 1993) as discussed in MPEP 711.03(c) (Rev. 1, Feb. 2000).

2. Applicant submits that this request is appropriate in light of the following:

- (a) On September 27, 1999, applicant notified the Patent Office of a change of correspondence address to

Harry G. Thibault  
PE APPLIED BIOSYSTEMS DIVISION  
The Perkin-Elmer Corporation  
850 Lincoln Centre Drive  
Foster City, California 94404  
Telephone: 650.638.6014  
Facsimile: 650.638.6071